



Law Reform (Miscellaneous Provisions) (Scotland) Act 1980

1980 CHAPTER 55

Sheriff Court

13 Jurisdiction of sheriff court in proceedings relating to trusts.

In the ^{M1} Trusts (Scotland) Act 1921—

- (a) in section 22 (appointment of new trustees by the court)—
 - (i) for the word “court” where it first occurs there shall be substituted the words “ Court of Session or an appropriate sheriff court ”; and
 - (ii) after the word “court” where it occurs for the second time there shall be inserted the words “ to which application is made ”;
- (b) in section 23 (removal of trustees in certain cases), for the words from “in the case of *amortis causa* trust” to the end there shall be substituted the words “ may be made either to the Court of Session or to an appropriate sheriff court. ”;
- (c) in section 24 (completion of title by the beneficiary of a lapsed trust)—
 - (i) for the word “court” where it first occurs there shall be substituted the words “ Court of Session or an appropriate sheriff court ”; and
 - (ii) after the word “court” where it occurs for the second time there shall be inserted the words “ to which application is made ”; and
- (d) the following section shall be inserted after section 24—

“24A Interpretation of sections 22–24.

In sections 22 to 24 of this Act the expression “appropriate sheriff court” means—

- (a) in the case of a trust other than a marriage contract—
 - (i) where the truster, or any of the trusters, was at the date of the coming into operation of the trust domiciled in a sheriffdom, a sheriff court of that sheriffdom; or

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, Section 13. (See end of Document for details)

- (ii) where sub-paragraph (i) of this paragraph does not apply, or where the applicant does not possess sufficient information to enable him to determine which sheriff court, if any, would by virtue of that sub-paragraph be an appropriate sheriff court, the sheriff court at Edinburgh;
- (b) in the case of a marriage contract—
 - (i) where either spouse is, or was when he died, domiciled in a sheriffdom, a sheriff court of that sheriffdom; or
 - (ii) where sub-paragraph (i) of this paragraph does not apply, or where the applicant does not possess sufficient information to enable him to determine which sheriff court, if any, would by virtue of that sub-paragraph be an appropriate sheriff court at Edinburgh.”.

Modifications etc. (not altering text)

- C1** The text of ss. 2(3), 4, 5, 7–10, 13–16, 17(4), 19, 21, 22(1)(a)(b)(d), 24, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1921 c. 58.

Changes to legislation:

There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, Section 13.